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July 10, 2009

Dear Mr. Montemarano:

I was informed by one of my co-defendants that the transcripts are in and that you requested a sixty day extension to file the opening briefs, which is presently due on July 22nd, 2009.

I would like for you to cover the following issues in the opening briefs:

1. Emilio Echarte's perjury before going to the Grand Jury, at the Grand Jury and at trial.
2. 6th Amendment violation, when I was not able to confront my accuser-Gwen Levi.
3. Insufficiency of the evidence to support a guilty verdict.
4. Inadequate evidence to support a finding of a conspiracy.
5. Lack of qualifications for the governments expert witnesses.
6. Misuse of the 404(b))evidence of prior convictions.
7. Delay in bringing me to trial. Violation of speedy trial act.

Yours Truly,

Paulette Martin

Paulette Martin

P.S. Please make sure that the segments of the transcripts that were delayed hasn't been reconstructed. I should not have had to wait another 14 months to get the delayed transcripts after you received the first assemblage.

Sept. 24th, 2009

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Attn. Mr. Montemarano:

I received your letter and I have no understanding of why this process has been dragging so long. I thought everything would be set in motion once you received the remainder of transcripts. I still want the letter that Philpot addressed about the drugs not being mine. I only requested that from you a year ago. Above are the issues I had initially asked you to address in the brief and it still stands as issues I want addressed along with what ever other issues you deemed pertinent. Thanks for deciding to let me hear from you.

Yours Truly,

Paulette Martin

P.S. I've lost faith in everyone.

③
MICHAEL D. MONTEMARANO, P.A.

Attorney and Counsellor at Law

5695 MAIN STREET
SUITE 201
ELKRIDGE, MARYLAND 21075-5016
(410) 379-0067
FAX (410) 540-9950
email: montemarano67@aol.com

September 29, 2009

Ms. Paulette Martin
USMS # 38350-037
USP Hazelton – SFF
PO Box 3000
Bruceton Mills, WV 26525

RE: *United States v. Paulette Martin, et al.*
4th Circuit No. 07-4059 (L)

Dear Ms. Martin:

Please accept this letter as a response to your letter of September 24. I cannot comprehend your lack of understanding regarding the current status of the matter, as I have sent you letters and motions describing this present status. I also have told you that it is not within my control. What I know is what you have been told. If this is not sufficient to explain this situation to you, then I am unable to do so.

I cannot “make sure,” beyond the use of my memory three-plus years later, that the transcripts have not been “reconstructed.”

Many of the appeal issues which you describe are ones which I have identified to you in our past discussions. I am sure there will be others, and will be glad to consider anything you provide to me about this. As to your sarcasm regarding my lack of communication, please save it for someone who might care about your spurious claims. If you now intend to demonstrate an interest in your case, it cannot begin to equal the entire lack of interest in this matter which you demonstrated from the very outset of my representation, which left me proceeding nearly on my own, with next to no understanding **from you** of most of the codefendants and witnesses. I therefore had to carry forward this case very nearly as if you were not there. To provide but a single example, you have not called me yourself since the sentencing in late 2006, nor have you availed yourself of the email system through the BOP, which other of my clients have used to contact me. You may seek comfort in blaming me for your situation, but you should not expect me to agree with you about claims which are not true.

I have explained as much as I know about the appeal to your daughter, whom I understood to be communicating with you about this, by telephone and letter. I again call your

Ms. Paulette Martin, USMS # 38350-037
September 29, 2009
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attention to my letter of October 3, 2008, as supplemented by my letter of September 21, 2009, both of which you have received.

As to the items you have requested, I enclose (again) your indictment with this letter. I will be glad to search my files for the Philpot letter you mention. As to the "851 between Reece Whiting and Paulette Martin," I do not understand what this means. I can forward your individual § 851 notice when I find it, however there is no such document relating to both of you. I do not have the notice regarding Whiting, which went to his attorney, and bears no relation to your sentencing.

At this point, I predict that the time for the brief will be extended once again into the spring, due to the size of the transcript and matters relating to other attorneys, as was set out in the latest motion that I filed. I am reading through your transcript, now that it is complete, and will be done by later this year with this.

This should address all of your concerns. If I have overlooked anything, feel free to bring it to my attention at your convenience.

Very truly yours,



Michael D. Montemarano

MDM/ap

cc: Ms. Teresa Arnold

§851 notice also enclosed.

(4)

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

United States of America

Case # RWT-04-0235

Judge Roger Titus

v.

Paulette Martin

Motion Requesting Clarification
and Jury Trial Transcripts

Now comes Paulette Martin pro se and moves the Court for the following:

- (1) Clarification as to whether or not the trial transcripts in the above captioned matter were at any time "reconstructed";
- (2) If so, when was the hearing for reconstruction and how was the reconstruction accomplished;
- (3) A full and complete hard/paper copy of the transcripts to pro se lligant Paulette Martin.

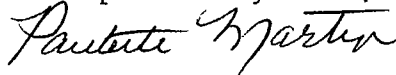
Defendant Martin is acutely aware of the length of her criminal trial and that the transcripts are voluminous.

Defendant Martin has the absolute right to aid and effectuate her direct appeal. Defendant Martin understands that the cost for the hard copy is expensive; she has requested them from her Court-Appointed Attorney Michael D. Montemorano, 5695 Main Street, Suite 201, Elkridge, Maryland 21075-5016 and he denies her request citing his lack of funds.

THEREFORE, defendant Martin request the Court to allocate the resources necessary to provide her with her trial transcript.

Defendant Martin notifies the Court she wishes to be active in pursuing her appellate rights AND has the right to know, when and how the trial transcripts were "reconstructed".

Respectfully Submitted,



Paulette Martin

#38350-037

S.F.F. Hazelton

P.O. Box 3000

Bruceton Mills, WV. 26525

Certification

I, Paulette Martin do hereby certify a copy of the forgoing was sent by Pre-Paid United States Postal to:

United States Attorney Deborah Johnston
U.S. District Court of Maryland
6500 Cherrywood Land
Greenbelt, Maryland 20770-1249

Attorney Michael D. Montemarano
5695 Main St. Suite 201
Elkridge, Maryland 21075-5016

on Oct. 19th, 2009.

(5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :

Plaintiff :

v. :

Criminal Case No. RWT 04-0235

PAULETTE MARTIN :

Defendant :

ORDER

The Defendant, Paulette Martin, has filed a *pro se* "Motion Requesting Clarification and Jury Trial Transcripts." [Paper No. 1327] Ms. Martin is represented by counsel who is in possession of the trial transcript and can provide whatever legal assistance to her may be necessary. For the foregoing reasons, it is, this 4th day of December, 2009, by the United States District Court for the District of Maryland,

ORDERED, that the Defendant's *pro se* "Motion Requesting Clarification and Jury Trial Transcripts" [Paper No. 1327] is hereby **DENIED**.

/s/

Roger W. Titus
United States District Judge

69
December 28, 2009

Atty M. D. Montemarano
5695 Main Street St. 201
Elfridge, Md. 21075-5016

RE: U.S. v Paulette Martin, et al.
4th Circuit 07-04059 (L)

Dear Atty. Montemarano:

Please find enclosed a copy of **ORDER** issued in my case regarding my acquiring a copy of my transcripts **AND** my query as to When, How and Why my transcripts were re-dacted and re-constructed.

Judge Titus referred me back to you.

As you are less than forthcoming I have filed and **OBJECTION** and requested he re-consider. Copies are enclosed for your convenience.

Again, Sir, per **ORDER** of Judge Titus:

1. Please send me one hard copy of my trial transcript,

AND

2. Explain why on 4/30/2008 #1182, 1/21/2009 #1267, 4/27/2009 #1285 the Court case docket reflects my transcripts were redacted.

I Remain,

Paulette Martin

Paulette Martin

• District of Maryland (CM/ECF Live 3.2.2)

		before Judge Roger W. Titus, re 1067 Notice of Appeal - Final Judgment, of Appeal - Final Judgment, 1063 Notice of Appeal - Final Judgment, 107 Appeal - Final Judgment, 1072 Notice of Appeal - Final Judgment, 1066 l Appeal - Final Judgment, 488 Notice of Appeal - Final Judgment, 1064 N Appeal - Final Judgment, 514 Notice of Appeal - Conditions of Release C Reporter/Transcriber Tracy Dunlap, Telephone number 301.344.3912. Tr be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restrict that date it may be obtained from the Court Reporter or through PACER. Request due 5/19/2008. Redacted Transcript Deadline set for 5/28/2008. I Transcript Restriction set for 7/28/2008. (trd, Court Report) (Entered: 04/
04/30/2008	1189	TRANSCRIPT filed as to Paulette Martin, Learley Reed Goodwin, Reece Whiting, Derrek Lewis Bynum, Lavon Dobie, Lanora N. Ali for dates of . before Judge Roger W. Titus, re 1067 Notice of Appeal - Final Judgment, of Appeal - Final Judgment, 1063 Notice of Appeal - Final Judgment, 107 Appeal - Final Judgment, 1072 Notice of Appeal - Final Judgment, 1066 l Appeal - Final Judgment, 488 Notice of Appeal - Final Judgment, 1064 N Appeal - Final Judgment, 514 Notice of Appeal - Conditions of Release C Reporter/Transcriber Tracy Dunlap, Telephone number 301.344.3912. Tr be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restrict that date it may be obtained from the Court Reporter or through PACER. Request due 5/19/2008. Redacted Transcript Deadline set for 5/28/2008. I Transcript Restriction set for 7/28/2008. (trd, Court Report) (Entered: 04/
04/30/2008	1190	TRANSCRIPT filed as to Paulette Martin, Learley Reed Goodwin, Reece Whiting, Derrek Lewis Bynum, Lavon Dobie, Lanora N. Ali for dates of . before Judge Roger W. Titus, re 1067 Notice of Appeal - Final Judgment, of Appeal - Final Judgment, 1063 Notice of Appeal - Final Judgment, 107 Appeal - Final Judgment, 1072 Notice of Appeal - Final Judgment, 1066 l Appeal - Final Judgment, 488 Notice of Appeal - Final Judgment, 1064 N Appeal - Final Judgment, 514 Notice of Appeal - Conditions of Release C Reporter/Transcriber Tracy Dunlap, Telephone number 301.344.3912. Tr be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restrict that date it may be obtained from the Court Reporter or through PACER. Request due 5/19/2008. Redacted Transcript Deadline set for 5/28/2008. I Transcript Restriction set for 7/28/2008. (trd, Court Report) (Entered: 04/
04/30/2008	1191	TRANSCRIPT filed as to Paulette Martin, Learley Reed Goodwin, Reece Whiting, Derrek Lewis Bynum, Lavon Dobie, Lanora N. Ali for dates of . before Judge Roger W. Titus, re 1067 Notice of Appeal - Final Judgment, of Appeal - Final Judgment, 1063 Notice of Appeal - Final Judgment, 107 Appeal - Final Judgment, 1072 Notice of Appeal - Final Judgment, 1066 l Appeal - Final Judgment, 488 Notice of Appeal - Final Judgment, 1064 N Appeal - Final Judgment, 514 Notice of Appeal - Conditions of Release C Reporter/Transcriber Tracy Dunlap, Telephone number 301.344.3912. Tr be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restrict that date it may be obtained from the Court Reporter or through PACER.

11/19/2009

		Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. R Transcript Restriction set for 9/10/2009. (trd, Court Report) (Entered: 06/
06/26/2009	<u>1300</u>	Correspondence re: Request for Court Documents (Attachments: # <u>1</u> Enve Deputy Clerk) (Entered: 06/30/2009)
07/07/2009	<u>1302</u>	ORDER GRANTING <u>1293</u> MOTION for Copy Work filed by Paulette M Correspondence-Request for Court Documents, <u>1296</u> Correspondence-Re Court Documents; the Clerk of Court SHALL MAIL a copy of this Order Defendant's 1st,2nd, 3rd, 4th, and 5th superseding indictments to Defenda charge as to Paulette Martin. Signed by Judge Roger W Titus on 7/6/09. (c (ch, Deputy Clerk) (Entered: 07/07/2009)
11/19/2009	<u>1321</u>	ORDER DENYING Motion for Reduction of Sentence re: Crack Amendr Paulette Martin; this Order shall become final in 30 days if no meritorious filed by the defendant within that time. Signed by Judge Roger W Titus on (c/m 11/19/09) (ch, Deputy Clerk) (Entered: 11/19/2009)
11/19/2009	<u>1322</u>	Correspondence re: Request for docket sheet (ch, Deputy Clerk) (Entered:
12/03/2009	1321 <u>1327</u>	MOTION Requesting Clarification and Jury Trial Transcripts by Paulette Responses due by 12/21/2009 (Attachments: # <u>1</u> Cover Letter)(ch, Deputy (Entered: 12/03/2009)

(n)

United States
District Court
District of Maryland

United States of America

Case #RWT04-0235
Judge Titus

v.

Paulette Martin

Motion for Production of
Transcripts and Entire Case
File at Government Expense

Now comes Paulette Martin, the petitioner and defendant in the above captioned matter as an indigent, pro se litigant respectfully moves this Honorable Court for and Order for the production of transcription of the record of the jury trial and full case file pursuant to 28 USC 753, and 18 USC 3006A.

Pro se litigant Paulette Martin's indigent status has previously been granted by the court, see trial records.

The Criminal Justice Act 18 USC 3006A and 28 USC 2255 provide fees for transcripts in criminal proceedings to persons allowed to sue, defend, or appeal **IN FORMA PAUPERIS** per 28 USC 1915 and the fees and costs shall be paid by the United States out of monies specifically appropriated for that purpose.

Therefore, petitioner Paulette Martin respectfully request this Court for an order to Atty. M.D. Montemarano, 5695 Main St. #201, Elkridge, Md. 21075 whom is court appointed appellate council to produce hard copy of jury trial and all proceedings

and case file in Paulette Martin case # RWT04-0235.

Respectfully Submitted,



Paulette Martin
38350-037
S.F.F. Hazelton
P.O. Box 3000
Bruceton Mills, WV. 26525

Certification

I, Paulette Martin do hereby certify a copy of the foregoing has been sent this 17th of Feb. 2010 to:

The Federal Government at U.S. District Court of Maryland;

AND Atty. M. Montemarano 5695 Main St. Suite 201, Elkridge,
Md. 21075-5016.

(7) cont'd

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

PAULETTE MARTIN.

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Case No.: RWT 04cr235

MEMORANDUM OPINION AND ORDER

By Order dated December 4, 2009, the Court denied Defendant Paulette Martin's "Motion Requesting Clarification and Jury Trial Transcripts." See Paper No. 1328. Defendant subsequently filed two objections to denial of her request for clarification and for a copy of her jury trial transcripts, which the Court treated as motions to reconsider the Court's December 4, 2009 Order and denied. See Paper Nos. 1344, 1349, 1350, 1356. On March 11, 2010, Defendant filed yet another "Objection and Request for Reconsideration," which the Court will treat as a Third Motion To Reconsider the December 4, 2009 Order. See Paper No. 1359.

Upon consideration of Defendant Paulette Martin's Third Motion To Reconsider the December 4, 2009 Order [Paper No. 1359], it is on this 17th day of March, 2010, by the United States District Court for the District of Maryland,

ORDERED, that Defendant Paulette Martin's Third Motion To Reconsider the December 4, 2009 Order [Paper No. 1359] is **DENIED**.

/s/

ROGER W. TITUS
UNITED STATES DISTRICT JUDGE

8

United States

District Court

District of Maryland

United States of America

Case #RWT04-0235
Judge Titus

v.

OBJECTION and REQUEST
FOR RECONSIDERATION

Paulette Martin

Now comes Paulette Martin pro se and OBJECTS to DENIAL of her request for a copy of her jury trial transcripts as well as her request for clarification as to the issue of re-dacted and incomplete transcripts.

Defendant Martin has asked her counsel for a copy of her transcripts.

Atty. Montemarano says he can not afford to copy them for her and the Court has to authorize the expenditure of FUNDS. THEREFORE, defendant Martin renews her request for her jury trial transcripts.

Defendant Martin also asked Atty. Montemarano if the trial transcripts had been re-dacted and re-constructed.

Atty. Montemarano responded IN WRITING on Sept. 29, 2009: "I can not make sure beyond the use of my memory three plus years later, that the transcripts have not been re-constructed."

Simply reviewing the Docket in this case would show on

4/30/2008 #1182, 1/21/2009 #1267, and 4/27/2009 #1285 there was re-daction and re-construction. Montemarano would not have to rely on his memory.

THEREFORE, defendant Martin renews her reuest for the Court to address her request as to When and Why her trial transcripts were re-dacted and re-constructed.

The Canons of Professional Responsibility for the Judiciary dictate a Judge should uphold the independence of the Judiciary (canon 1) and (canon 3) a Judge should perform the duties of the office diligently. He should hear and decide matters assigned, unless disqualified **AND** he should accord all legally interested a full right to be heard.

Judge Titus has not been disqualified in this matter. Defendant Martin is a legally interested ~~party~~^{Party} and she deserves a right to her transcripts so she can insure a full, fair, appeal **AND** she has a right to know if her trial transcripts have been re-dacted and if so why wasn't she present and given **FULL** opportunity to be heard.

Respectfully Submitted,



Paulette Martin
#38350-037
S.F.F. Hazelton
P.O. Box 3000
Bruceton Mills, WV. 26525

Certification

I, Paulette Martin do hereby certify a copy of the foregoing has been sent this 8th March 2010 to:

The Federal Government at U.S. District Court of Maryland;

AND Atty. M. Montemarano 5695 Main St. Suite 201, Elkridge,
MD. 21075-5016.